

Louisiana Oyster Task Force Meeting

John Tesvich, Chairman

Tuesday, March 19 1:00 PM

UNO Advanced Technology Center, 2021 Lakeshore Drive, Suite 210, New Orleans

Minutes

I. Dan Coulon, chairing the meeting for chairman John Tesvich called the meeting to order at 1:03 p.m.

II. Roll Call

Present:

Sam Slavich

Tenney Sibley- David Guilbeau in for Tenney Sibley

Chip Kline-Drue Banta arrived at 1:23 for Chip Kline

Wilbert Collins

Mark Schexnayder- Patrick Banks in for Mark Schexnayder

Dan Coulon

Byron Encalade

Jakov Jurisic

Major Sammy Martin

Buddy Pausina

Brandt Lafrance

Al Sunseri (entered at 1:14 p.m.)

Absent:

Shane Bagala

John Tesvich

Karl Morgan

Brad Robin

Peter Vujnovich

Jerome Zeringue

Guests:

Brady Skaggs-ABS Tech

John Supan- Sea Grant

Nick Collins-Collins Oyster Company

Sonya Self-LDWF

Ty Medlen-LDWF

Willie Daisy-W&E Oysters Inc.

Nicholas Daisy-W&E Oysters Inc.

Gordon LeBlanc-Department of Health and Hospitals

Julie Lightner-LDWF

Sue King- House of Reps

Jason Froeba-LDWF

Ty Lindsey-LDWF

Gabe Giffin-LDWF

Joel Courtney-LDWF

Alex Skaggs-ABS Tech

Dale Chaison-LFB

Troy Voisin-LFB

Lawrence Chaisson-LFB

Taylor Naquin- Marks Oysters and Seafood

Mark Naquin-Marks Oysters and seafood

Katie Semon-LDWF

Damon Morris-LDWF

Steven Stegall-Stegall/Benton

John Vezeay- FDA

Susan Colley-UNO

Darren Bourgeois-LDWF

Corey Miller-CRCL

Ray Garofalo-LA State Rep

Tom Soniat-UNO

Dan Coulon informed the task force about additional agenda items. Motion by Wilbert Collins to add the two items to the agenda under new business: status of public grounds and OTF nomination to Louisiana Seafood Promotion and Marketing Board, second by Bryon Encalade. **Motion adopted.**

Mr. Buddy Pausina asked that we sent a notice out to members who have missed more than 2 meetings. Ashley Roth said that she will handle sending those letters out to members who have missed 2 meetings as a warning.

I. Approval of February 28, 2013 MINUTES

Motion by Jakov Jurisic to approve the minutes, second by Wilbert Collins. **Motion adopted**

II. Treasury Report

A. Oyster Tag Sales-104, 418

B. LOTF Financial Report-\$80, 826 budget balance

Motion to accept treasury report by Byron Encalade, second by Jakov Jurisic. **Motion adopted.**

IV. Committee Reports

A. Public and Private Oyster Grounds Committee –

Mr. Buddy Pausina said there was no report

B. Enforcement -

Major Sammy Martin reported that they met with the legislative committee and more would be discussed in the Legislative committee report.

C. Legislative –

Jakov Jurisic said that John Tesvich chaired the meeting. Dan Coulon called on Cole Garrett to address the group. Ashley Roth pointed out the legislative committee meeting minutes in the board packets and that there are two draft bills in their packets. Dan Coulon began to go over the bills in the packets. Cole Garret entered the meeting again and addressed the task force. The task force was presented with drafts of 433 and 424. In the draft of 433 the committee wanted to make theft of oysters from public seed grounds during a closure the same penalty as left from a private lease. Taking it from a class 2 violations to a class six violations as well as the addition of community service. Sam Slavich asked about what closures this referred to Cole Garrett clarified that this referred to closures to the public seed grounds not closures due to health, which will be addressed in 424. Discussion was held on litter abatement and Steve McManus confirmed that if litter abatement was not available then other forms of community service would be considered.

424 address harvesting oysters from areas that have been closed by DHH for health reasons, the legislative committee wanted to increase this from a class 4 to a class 6 violations. In addition the committee wanted to see community service added in litter abatement. It also carries with it a \$900-\$950 and revocation of your harvester's license for one year from the date of conviction and

while your license is suspended you cannot be on a vessel that is harvesting or possessing oysters unless that vessel is equipped with a Vessel Monitoring System (VMS) and 40 years community service. For a second conviction the license suspension would be for 3 years from the time conviction and you cannot be on a vessel harvesting or possessing oysters whether or not there is VMS on board. The community service penalty would be 90 hours. For third and all other convictions the license is suspended for 10 years from the date of last conviction and you cannot be present on a vessel harvesting or possessing oysters. Community Service in litter abatement for 120 hours.

Cole Garrett said he will work with Sue King to make any edits to clean up the drafts. Dan Coulon called for discussion from the task force and the audience. Cole Garrett confirmed that these rules would apply to any areas closed due to DHH.

If you are caught fishing on a private lease that is open, that is still a class 6 violation and no community service is attached.

Al Sunseri made a motion to accept the recommended changes to bill 424 and 433, Second by Wilbert Collins.

Discussion was held. Cole Garrett said that these might be able to be combined into one bill.

Jakov Jurisic said that he will reach out to Representative Leopold. **Motion adopted.**

D. Research –

John Supan reminded everyone about the Oyster Convention on April 6 in Grand Isle. Preregistration is recommended. Focus will be commercialization of oyster aquaculture.

Steve McManus addressed the taskforce. Through the last FDA review and the meetings between health and FDA. Three main criticisms that remain are penalties as it relates to refrigeration and lack of penalty. The fine is currently \$25 and that is not seen as sufficient. The lot identification is getting lost as it is put into refrigeration with no clear lot mark id. The third was the potential of comingling by allowing green tag and white tag to happen simultaneously on a boat while on harvest grounds. In an effort to increase penalties there is an effort by DHH to move those areas of refrigeration that fall under Title 51 to title 76 to increase those penalties to a class 2 penalty. Not all penalties will be moved, just those related to time/temperature matrix, white tags, fuscia and green tags. McManus continued that the draft was presented to the legislative committee. Someone who is fishing white tags in one hour months, if he does green tags then he will have to follow the rules for white tags. Also the rules will be clearer as to how sacks will need to be identified in the refrigerator, with the proper oyster tag. McManus asked if John Veazey with FDA in the audience would like to address the group. Discussion was held. Al Sunseri asked if any of these rules were currently under 51. McManus said the only two modifications are that they will not allow for harvest of white and green tags unless you follow the white tag more restricted guidelines and each sack needs to be properly marked with the lot number and not a group of sacks as a whole. Sunseri said that at the last ISSC meeting Louisiana was called out again for lack of compliance. Veazey said that the hope is that if these rules are in place by May 1 the FDA hopes there will be less problems when the FDA does their evaluation. Further discussion was held.

Al Sunseri made a motion to support the rule change from Title 51 to Title 76 to help with enforcement issues to go along with the new legislation they are supporting. Second by Wilbert Collins. Discussion was held. Veazey said that the next FDA evaluation will start in May. Sue King addressed the group for clarification for why they can't enforce the rules in title 51. Steve McManus said that they could, but they have to make two changes in Title 51 and legislative action to change the penalties in Title 40 where the current penalty rules are. Sue King suggested leaving them in 51 and enforcing them there. She warned against simply copying the rules.

The penalty increase will have to be done legislatively. Al Sunseri suggested maybe doing this under the bills discussed in the legislative committee.

Al Sunseri withdraw his motion, Wilbert Collins concurred.

Buddy Pausina made a motion to support the changes proposed by DHH in title 51 and asks that legislative action be taken by DHH to increase the penalties. Second by Al Sunseri. Sunseri asked that these penalties be increased in bill 433 or 424.

Cole Garrett asked if there was a recommendation for the type of penalty the task force would recommend. Garrett said that class 4 was in the draft. Sunseri suggested the class 4 penalty and required VMS and notification upon going out in the morning.

Discussion was held on the white tags, what happens when there is a 5 or ten minute difference on the coolers. McManus said that his officers had been very lenient on this, but you could be deemed in violation. **Motion carried. Sue King asked for clarification on the type of penalty the task force wanted. The floor was open for discussion. Sunseri said that in talking with McManus he would suggest the class 4 violation. Motion by Byron Encalade to make the penalty for refrigeration rules proposed by DHH in title 51 to a class 4 violation, second by Sammy Slavich.** Cole Garrett went over the details of a class 4 violation. Jakov Jurisic expressed that he did not like the mandatory jail time. **Motion adopted. Jakov Jurisic opposed.**

E. Coastal Restoration – Dan Coulon said he didn't have anything to report, Representative Ray Garofalo spoke to the group about his bill to have all restore act dollars go to Coastal Restoration. Drue Banta asked to clarify that it is the civil and administrative penalties that will go to the Restore Act.

Motion by Byron Enclade to support Representative Ray Garofalo's bill, second by Al Sunseri. Discussion was held and Al Sunseri suggested the group not support sediment diversion. Discussion was held. Motion adopted.

F. No report for marketing

G. No report for Health

H. Sustainability- Damon Morris addressed the group as the lead at LDWF for sustainability. Oysters will be one of three species that will be certified over the next year.

VI. New Business

A. VMS Update - Nick Salvi with Polestar- Nick Salvi with Polestar presented to the group a demonstration of the VMS program that is currently being funded through LDWF and showed the task force the capabilities of the Web site.

B. Proposed Cypremort Point Artificial Reef-Patrick Banks, LDWF- Patrick presented a map to the proposed location to the task force. Cost of the program is not available yet. They are in the permitting process of this.

C. Status of Public Grounds- Patrick Banks presented the status of the public grounds to the task force via power point.

Patrick presented the annual stock assessment in late July and was asked to provide an update. Patrick Banks full report is attached.

Discussion was held, Drue Banta asked if the private grounds East of the River are experiencing the same situation as the public grounds, Byron Enclade concurred that they are. Byron also asked if the state can give him private oyster ground reports by zone, Byron will make that request to the department.

D. Tier 2.1 Financial Disclosure Forms- Ashley Roth reminded the task force that they need to fill out their tier 2.1 Financial Disclosure Forms. Deadline is May 15. This covers the 2012 calendar year.

Motion to accept Brandt LaFrance, Byron Enclade and Sarah Voisin as OTF nomination to Louisiana Seafood Promotion and Marketing Board, second by Sam Slavich. Motion adopted.

VII. Motion to hold the next meeting on May 21 at 1 p.m. Second by Byron Enclade. Motion carried.

VIII. Adjourn- Motion to adjourn by Jakov Jurisic second by Byron Enclade. Motion carried. Meeting adjourned at 3:16 p.m.

Biological Sampling Update
from the
Louisiana Public Oyster Areas

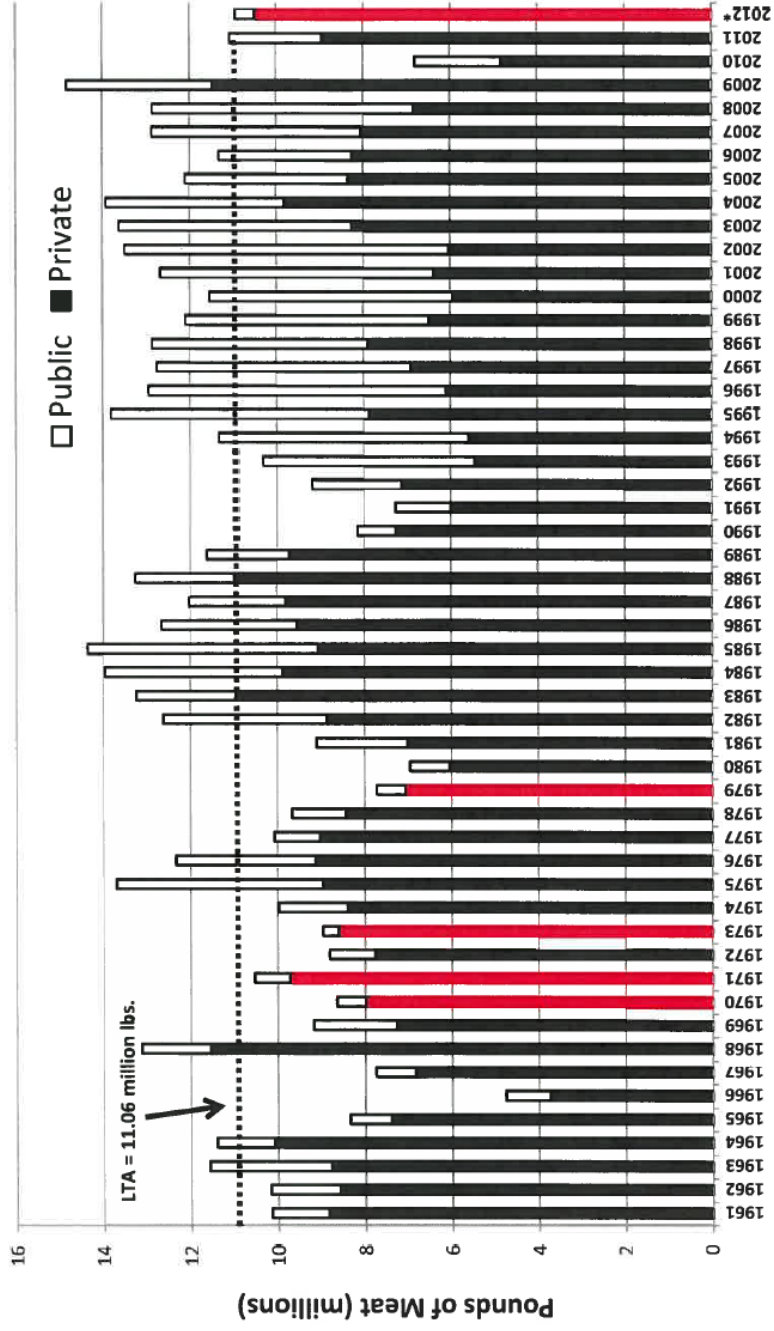


Office of Fisheries – Fisheries Division

Louisiana Oyster Task Force

March 19, 2013

Historical Louisiana Oyster Landings



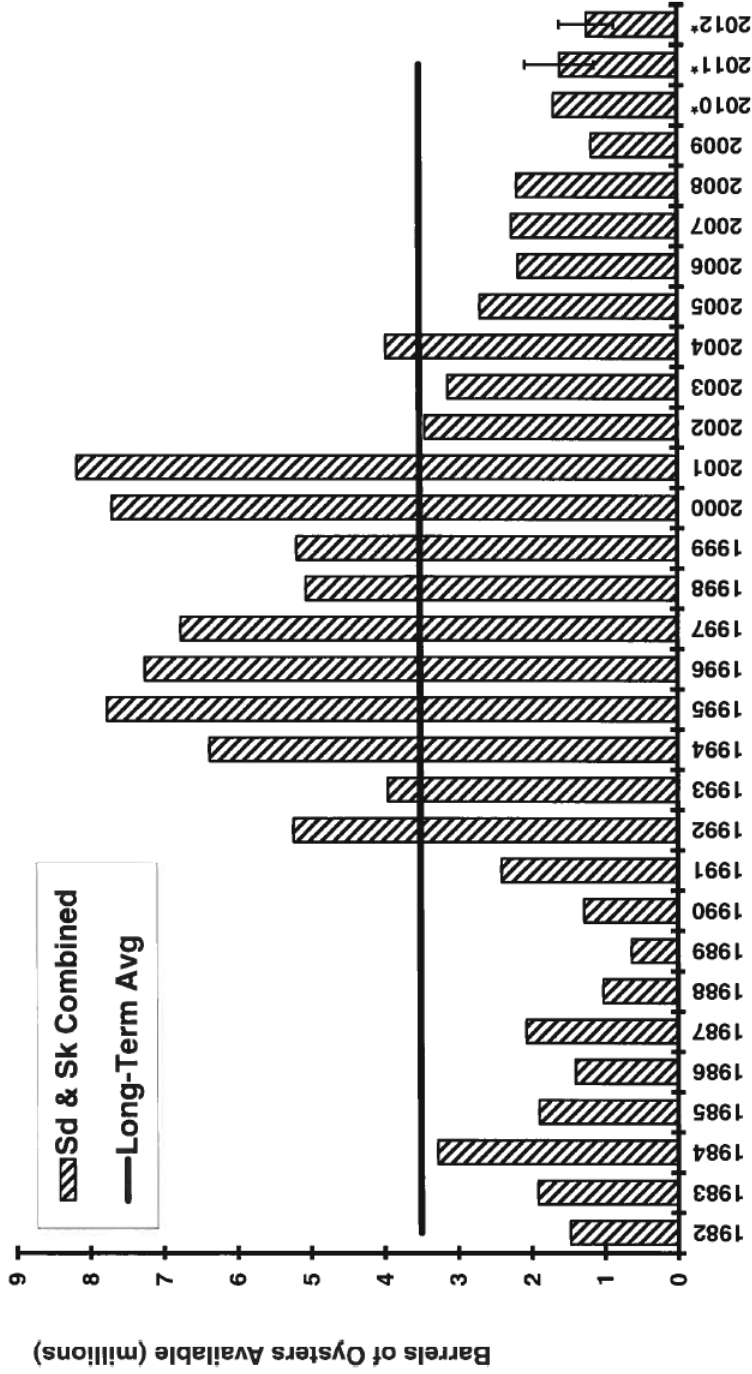
2012 is preliminary data

Year

Data Preliminary - Subject to Change

3/19/2013

Historical Louisiana Oyster Stock Size



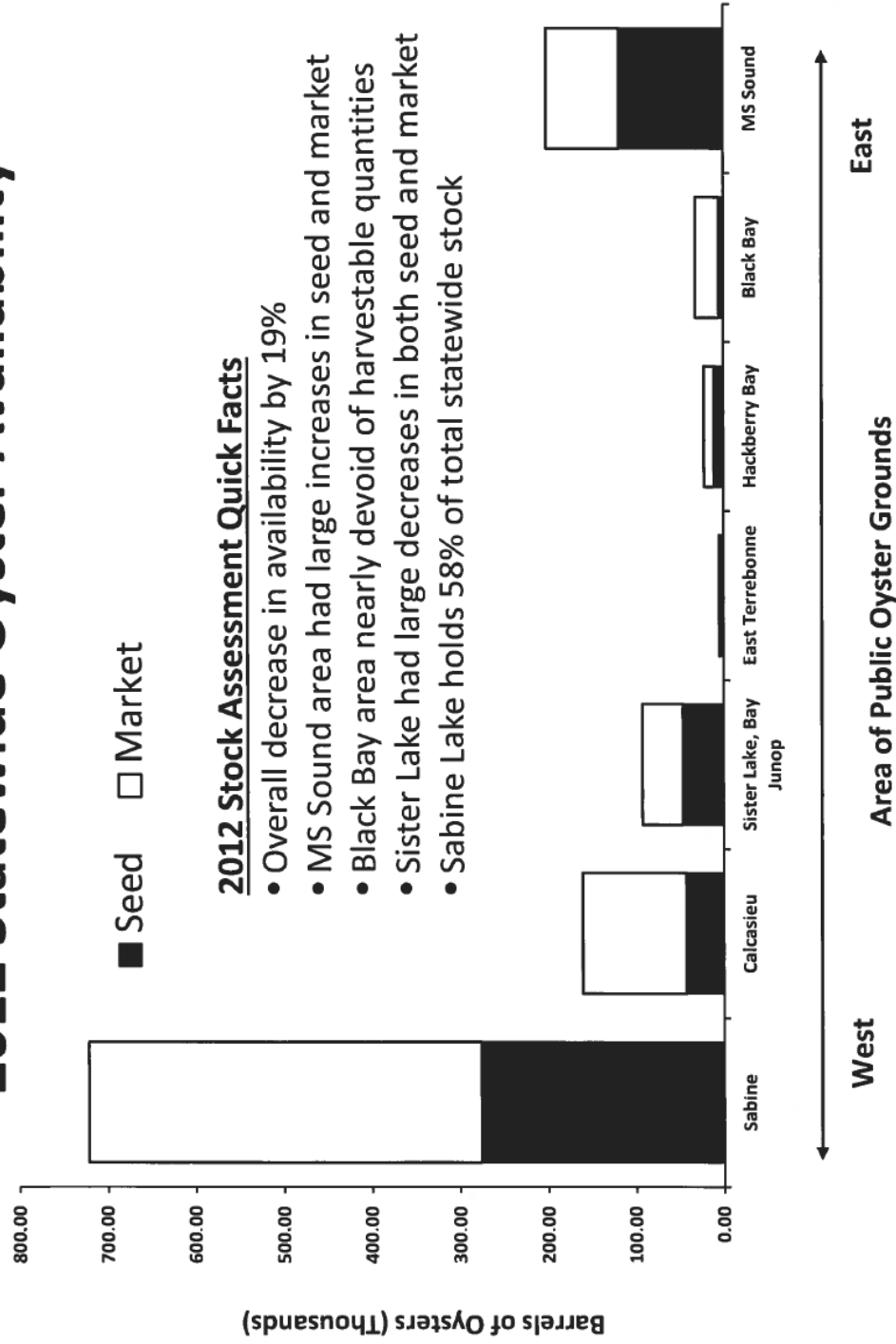
NOTE: 1994-2004 includes CSA I data revision
 *2010 to present data includes Sabine Lake data.
 Error bars denote standard error

3/19/2013

Year

Data Preliminary - Subject to Change

2012 Statewide Oyster Availability

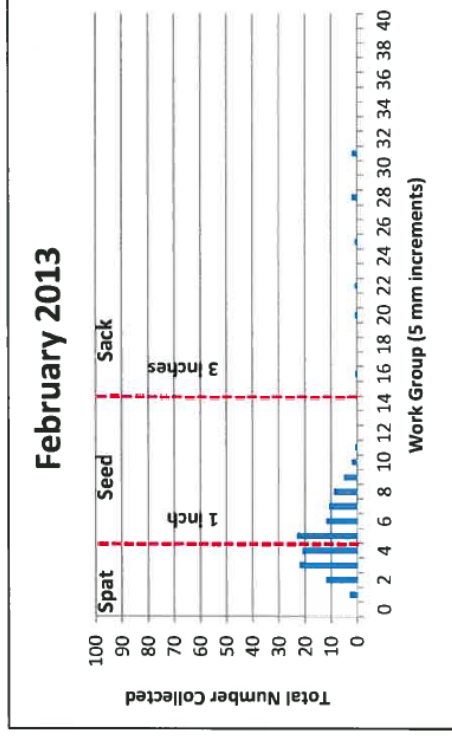
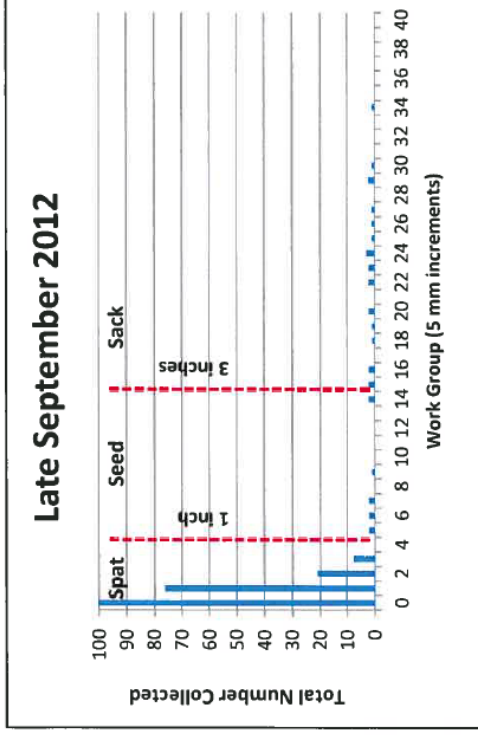


2012 Stock Assessment Quick Facts

- Overall decrease in availability by 19%
- MS Sound area had large increases in seed and market
- Black Bay area nearly devoid of harvestable quantities
- Sister Lake had large decreases in both seed and market
- Sabine Lake holds 58% of total statewide stock

Coastal Study Area 1-South (South of MIRGO)

- 100% of 2,585 spat collected in late September 2012 were from closure area (6 sample sites)
- 99.6% of 642 spat collected in late October 2012 were from closure area (6 sample sites)
- 52%, 27%, and 36% spat mortality in Dec, Jan, Feb, respectively
- Seed present in February samples, but in low amounts
- Seed mortality also elevated
- Very few market-size oysters



Other Areas

CSA 1-North (MS Sound Area)

- sampling has shown no obvious issues, but low numbers of oysters in samples

CSA 3 (Hackberry Bay)

- sampling has shown some elevated spat mortalities in August and November

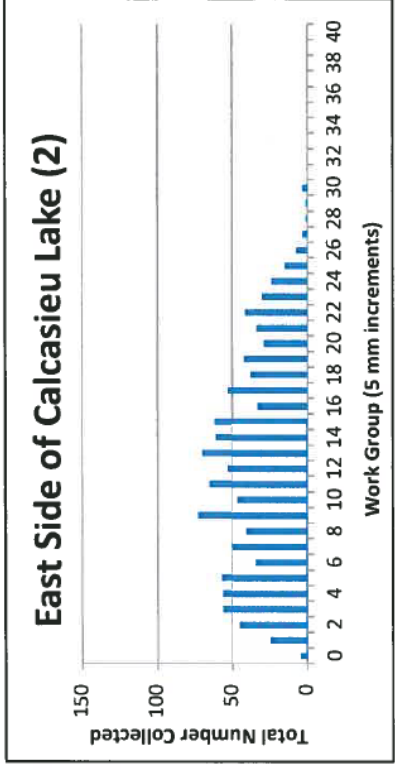
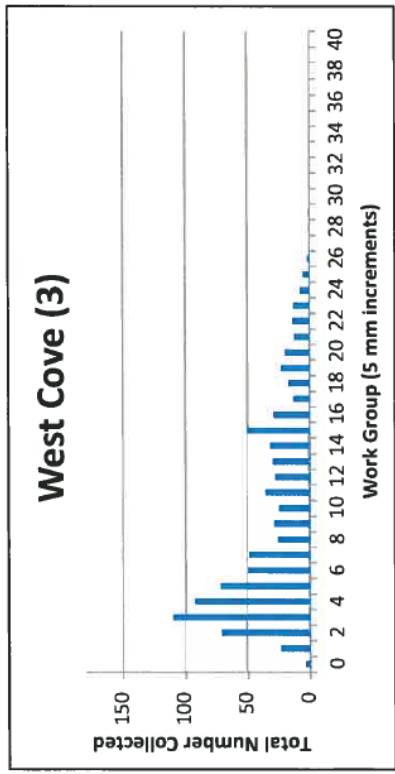
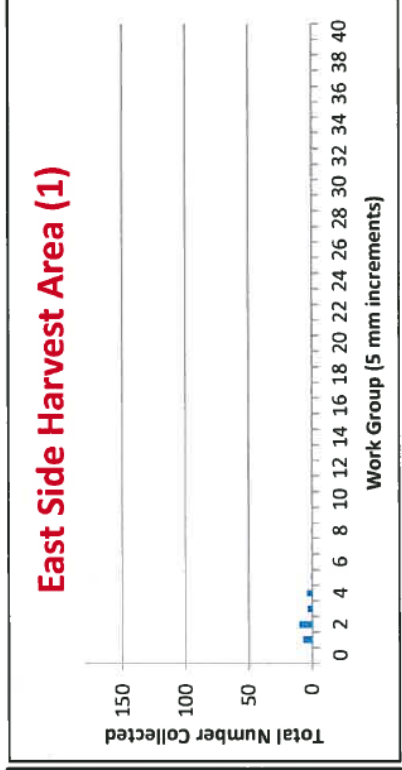
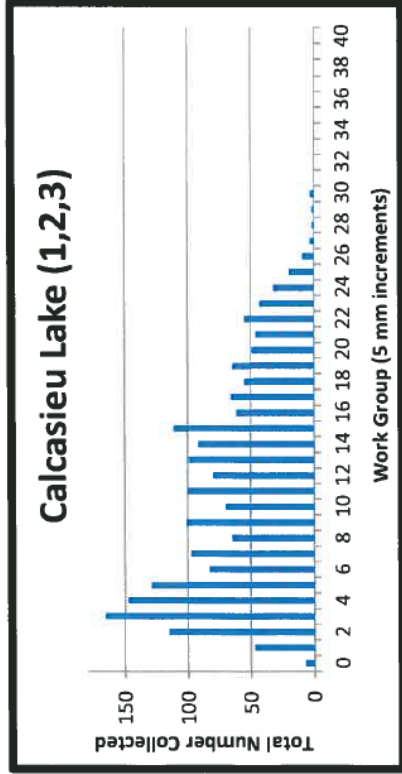
CSA 5 (Sister Lake) and 6 (Vermilion Bay)

- Sampling has indicated no obvious issues

CSA 7 (Calcasieu and Sabine Lakes)

- sampling has indicated continued low oyster numbers in the traditional harvest area on the east side of Calcasieu Lake
- Sabine Lake sampling has indicated healthy oyster population

Calcasieu Lake – February 2013 Sampling



Summary

- Positive signs of rebound observed in September/October 2012 in CSA 1-South now greatly diminished
- Calcasieu Lake east side harvest area continues to show little recruitment
- Although stocks remain low, other areas are showing positive signs of oyster recruitment and oyster survival